

FILED
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUN 26 2003

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

Robert J. March
CLERK

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rutherford & Plaza Blanca, Section 7
Subfile No.: CHRU-004-0035

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**BARBARA C. FERNANDEZ
MIGUEL M. FERNANDEZ**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location X: 1,548,909 feet **Y:** 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	0.6 acres
Total	0.6 acres

As shown on the 2002 Hydrographic Survey Map CHRU- 4.

Amount of Water: Reserved for future determination by court order entered November 26, 2001.

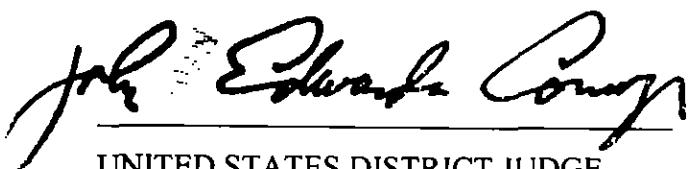
5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

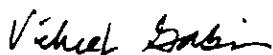
The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



John Edward Conway

UNITED STATES DISTRICT JUDGE

Recommended for approval:



Vickie S. Grier

SPECIAL MASTER

ACCEPTED: 	ACCEPTED: 
MIGUEL M. FERNANDEZ	BARBARA C. FERNANDEZ
ADDRESS: <u>5733 Chaparral Cir NW</u>	ADDRESS: <u>5733 Chaparral Cir, NW</u>
<u>Albuquerque, New Mexico</u>	<u>Albuquerque, New Mexico</u>
<u>87114-4906</u>	<u>87114-4906</u>
DATE: <u>05/19/03</u>	DATE: <u>05/19/03</u>

Edward G. Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

5.28.03
Date

Approved: